

ESTTA Tracking number: **ESTTA33356**

Filing date: **05/18/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### **Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

#### **Petitioner Information**

<b>Name</b>	Ajinomoto AminoScience LLC		
<b>Entity</b>	Limited Liability Company	<b>Citizenship</b>	Delaware
<b>Address</b>	4020 Ajinomoto Drive Raleigh, NC 27610 UNITED STATES		

<b>Attorney information</b>	Neal Wolgin Hutchison & Mason PLLC 3110 Edwards Mill Road Suite 100 Raleigh, NC 27612 UNITED STATES nwolgin@hutchlaw.com, khollister@hutchlaw.com Phone: 919-829-4320
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#### **Registration Subject to Cancellation**

<b>Registration No</b>	1436173	<b>Registration date</b>	04/14/1987
<b>Registrant</b>	CAMBRIDGE VITAMIN CORP. 410 OCEAN AVENUE LYNBROOK, NY 11563 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 005. First Use: 19730400, First Use In Commerce: 19730400 Goods/Services: VITAMIN AND MINERAL SUPPLEMENTS		

<b>Grounds for Cancellation</b>	The registered mark has been abandoned.
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<b>Attachments</b>	DOCS-#162037-v1-AJI_03_Petition_to_Cancel_1436173_(CAMBRIDGE).PDF ( 3 pages )
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<b>Signature</b>	/NW/
<b>Name</b>	Neal Wolgin
<b>Date</b>	05/18/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**PETITION TO CANCEL**

In the matter of trademark Registration No.: 1436173

Registration Date: April 14, 1987

For the mark: CAMBRIDGE

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<b>Ajinomoto AminoScience LLC</b>	:	
	:	
Petitioner,	:	<b>Cancellation No. _____</b>
	:	
v.	:	
	:	
<b>Cambridge Vitamin Corporation</b>	:	
	:	
Registrant.	:	
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Commissioner for Trademarks  
BOX TTAB/FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

**PETITION TO CANCEL**

Petitioner, Ajinomoto AminoScience LLC ("Petitioner"), a Delaware limited liability company with an office located at 4020 Ajinomoto Drive, Raleigh, NC 27610, submits this Petition to Cancel dated May 18, 2005.

To the best of Petitioner's knowledge, the name and address of the current owner of Registration No. 1436173 is Cambridge Vitamin Corporation, a New York corporation with offices located at 410 Ocean Avenue, Lynbrook, NY 11563 ("Registrant").

The above-identified Petitioner believes that it has been, and will continue to be, damaged by the above-identified registration of the mark "CAMBRIDGE" for "vitamin and mineral supplements", in International Class 005 (the "Registrant's Goods"), and hereby petitions to cancel the same.

Petitioner is engaged in offering goods to others throughout the United States using the trademark "CAMBRIDGE NUTRACEUTICALS", which goods are similar in nature to, move within similar channels of trade as, and are within the related field as, Registrant's Goods.

The grounds for cancellation are as follows:

1. Registrant obtained registration of Registrant's Mark on April 14, 1987 based on an application filed on March 21, 1986;
2. Petitioner believes that Registrant has not made continuous use of, and has now ceased use of, Registrant's Mark in connection with the goods as recited in the registration certificate for Registrant's Mark;
3. Petitioner believes that Registrant has abandoned its rights in Registrant's Mark due to lack of use in interstate commerce. Therefore, it is Petitioner's position that Registrant's Mark should be cancelled based on said lack of use of the trademark "CAMBRIDGE" in association with the goods claimed in Registrant's Mark and all other uses;
4. Petitioner believes that it will be damaged by the continued registration of Registrant's Mark;

5. Petitioner filed a trademark application for the mark "CAMBRIDGE NUTRACEUTICALS" as evidenced by Application Serial No. 78/485598 filed on September 17, 2004 for "nutritional supplements", in International Class 005;

6. Petitioner has a valid and legal right to describe its goods by use of the term "CAMBRIDGE NUTRACEUTICALS";

7. In view of the allegations above, Registrant is not entitled to maintain federal registration of Registrant's Mark, is not entitled to the exclusive use of the "CAMBRIDGE" mark, or any other confusingly similar mark, in association with the goods claimed in the registration thereof or any other goods and services.

THEREFORE, Petitioner prays that this Petition to Cancel be sustained in favor of Petitioner and that Registration No. 1,436,173 be CANCELLED.

A duplicate copy of this Petition to Cancel is enclosed.

FEE: A check in the amount of \$300 is enclosed as payment of the required filing fee for a cancellation proceeding in one (1) International Class.

Respectfully submitted,

Neal B. Wolgin  
Attorney for Petitioner

Date: May 18, 2005

Hutchison & Mason PLLC  
3110 Edwards Mill Road, Suite 100  
Raleigh, North Carolina 27612  
(919) 829-9600  
(919) 829-9696 (fax)

Our Ref.: AJI.03